

1 DAVID J. MERRILL
Nevada Bar No. 6060
2 MORGAN F. SHAH
Nevada Bar No. 12490
3 DAVID J. MERRILL, P.C.
10161 Park Run Drive, Suite 150
4 Las Vegas, Nevada 89145
Telephone: (702) 566-1935
5 Facsimile: (702) 993-8841
E-mail: david@djmerrillpc.com
6 E-mail: morgan@djmerrillpc.com
Attorneys for WELLS FARGO BANK, N.A.
7
8
9
10
11
12

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 DIMITRITZA TOROMANOVA, an
Individual,

16 Plaintiff,

17 vs.

18 WELLS FARGO BANK, N.A.; WACHOVIA
19 MORTGAGE, FSB; NATIONAL DEFAULT
SERVICING CORP; and TIFFANY K.
20 LABO,

21 Defendants.

Case No.: 2:12-cv-01637-LRH-(CWH)

22 **JOINT STATUS REPORT**

23 In accordance with the Minutes of the Court dated September 19, 2012 (Doc. #3), the
24 plaintiff, Dimitritza Toromanova (“Toromanova”), and Defendants Wachovia Mortgage, a
25 division of Wells Fargo Bank, N.A., formerly known as Wachovia Mortgage, FSB (“Wells
26 Fargo”), National Default Servicing Corporation (“NDSC”), and Tiffany K. Labo (“Labo”)
27 (collectively, the “Parties”) submit the following status report:
28

1 **1. Set forth the status of this action, including a list of any pending motions**
2 **and/or other matters which require the attention of this court.**

3 On September 25, 2012, Wells Fargo filed a Motion to Dismiss and to Expunge Lis
4 Pendens and Motion for Order Declaring Plaintiff a Vexatious Litigant (the “Wells Motion”)
5 (Docs. #10, #11, and #12), and NDSC filed a Motion to Dismiss (the “NDSC Motion”) (Doc.
6 #8). On October 1, 2012, Labo filed a Motion to Dismiss (the “Labo Motion”) (Doc. #12).
7 Toromanova had up to and including October 10, 2012 to file responses to the Wells Motion and
8 the NDSC Motion. *See* LR 7-2(b). However, Toromanova did not file a response to either
9 motion. Instead, on October 10, 2012, Toromanova filed a Motion to Remand. (Doc. #17.) The
10 defendants have up to and including October 26, 2012 to file a response to the Motion to
11 Remand. *See* LR 7-2(b). On October 18, 2012, Toromanova filed a response to the Labo
12 Motion (Doc. #19).

13 **2. Include a statement by counsel of action required to be taken by this court.**

14 Toromanova argues in her Motion to Remand and in her response to the Labo Motion
15 that she need not file responses to the motions until the Court decides her Motion to Remand, as
16 “Oppositions would be relevant only if this court denies this motion.” (*See* Mot. to Remand
17 (Doc. #17) at 1; *see also* Pl.’s Opp. to Mot. to Dismiss (Doc. 19) at 1.) However, the Defendants
18 are unaware of any authority that provides for the suspension of all other filing deadlines while a
19 motion to remand is pending. Accordingly, because Toromanova failed to timely file points and
20 authorities in opposition to the Wells Motion, the NDSC Motion, or the Labo Motion, the
21 Defendants assert that the motions to dismiss are unopposed and ripe for decision.

22 The Parties expect that the Motion to Remand will be fully briefed and ready for the
23 Court’s consideration no later than November 5, 2012.
24
25
26
27
28

1 **3. Include as attachments copies of any pending motions, responses and replies**
2 **thereto and/or any other matters requiring the court's attention which have**
3 **not previously been filed and are not available on the federal docket for**
4 **review by this court.**

5 Not applicable.

6 DATED this 1st day of November 2012.

7 DAVID J. MERRILL, P.C.

8 TIFFANY & BOSCO, P.A.

9 By: 
10 MORGAN F. SHAH
11 10161 Park Run Drive, Suite 150
12 Las Vegas, Nevada 89145
13 (702) 566-1935
14 Attorneys for WELLS FARGO BANK, N.A.

15 By: /s/ Kevin S. Soderstrom
16 KEVIN S. SODERSTROM
17 212 South Jones Boulevard
18 Las Vegas, Nevada 89107
19 (702) 258-8200
20 Attorneys for NATIONAL DEFAULT
21 SERVICING CORPORATION

22 OLSON, CANNON, GORMLEY &
23 DESRUISSEAU

24 By: /s/ Christopher J. Richardson
25 CHRISTOPHER J. RICHARDSON
26 9950 W. Cheyenne Avenue
27 Las Vegas, Nevada 89129
28 (702) 384-4012
 Attorneys for TIFFANY K. LABO

 By: /s/ Dimitritza Toromanova
 DIMITRITZA TOROMANOVA
 P.O. Box 19153
 Las Vegas, Nevada 89132
 (702) 467-6972
 In Proper Person